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OFFICE OF PETITIONS

In re Application of
Kenichi Funamoto, et al.
Application No. 09/395,179
Filed: September 14, 1999
Attorney Docket No. P7459-9002

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed January 13, 2004, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the final Office action mailed July 16, 2002, which set a shortened statutory period for reply of three(3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on October 17, 2002.

Petitioner submitted a Request for Continued Examination (RCE), without the proper submission on October 25, 2002, (certificate of mailing dated October 16, 2002). Accordingly, the Request for Continued Examination (RCE) was improper under 37 CFR 1.114. Since the proper submission has been filed with the instant petition, the application will be revived solely for purposes of continuity with the Request for Continuation Examination (RCE) filed on October 25, 2002.

Receipt is acknowledged of the Information Disclosure Statement filed with the instant petition on January 13, 2004.

Telephone inquiries concerning this decision should be directed to Cheryl Gibson-Baylor at (703)308-5111.

The application file is being forwarded to Technology Center 1700, Art Unit 1775, for processing the Request for Continued Examination under 37 CFR 1.114.

Cheryl Gibson-Baylor
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy